



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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January 6, 1995

TO: Minerals File

FROM: Tony Gallegos, Reclamation Engineer *aa*

RE: Site Inspection, Esther W. Fausett, Cedar Buttes #1 Mine, S/047/028, Uintah County, Utah

Date of Inspection: December 29, 1994
Time of Inspection: 11:00 - 12:30 a.m.
Conditions: Overcast, snow on ground, cold
Participants: Robert Fausett, Representing Esther Fausett; Leon Fillingham, Duchesne County; and Tony Gallegos, DOGM

Purpose of Inspection: To discuss the recent permit submittal for this operation

This project is currently permitted as a Small Mining Operation. The total disturbed area exceeds five acres. The latest proposal submitted by Robert Fausett is for the site to be divided up into two Small Mine Operations and two areas to be reclaimed in 1995. These areas are indicated on the map included with the submission received by the Division on December 20, 1994. Titles used in the map are referred to in this memo.

The inspection began at the south end of the mine site. This area is designated on the map as "old crushing & stockpiling area". This area has been used for stockpiling of materials and equipment storage. The area is generally flat with a layer of asphalt 1-3 feet thick, covering what is believed to be the natural soils. This area was like this when the Fausetts acquired the property; however, they have continued to use this area for stockpiles and equipment. This area would be categorized as pre-existing disturbance which has been redisturbed. Robert proposes to salvage the layer of asphalt using a dozer or trackhoe. The salvaged material would be placed in a stockpile on the north end of that area. The underlying soils in this area would then be regraded and the area reseeded. Leon Fillingham estimated that based on the rate of asphalt use by Robert for last year, the asphalt material salvaged from this area would probably supply him for approximately two years. Robert indicated that he would like to salvage and stockpile these materials as soon as possible and begin the reclamation. It is likely that half of this area may be stripped of the old asphalt and regraded by the end of 1995.

Photographs were taken of this area looking to the east and south. There is a small mound of vegetated soils, located in the southern tip of this area. This vegetated area does not need to be disturbed since it is stabilized, although this may be a borrow area for topsoil. If these soils were to be used for reclamation, the area would need to be regraded and reseeded after the soil salvaging is completed.



The map does not show the road on the southern end of this area which comes out of the mid section and intersects the existing county road. The existing access road along the western edge of this area would continue to be used and would not be part of the reclamation. There is a possibility that a new access road would be constructed through this area to the county road to replace the road along the western edge. This new road is not likely within the next couple of years. The truck scales at the site are located off the southern edge of the map.

The border on the map between the old crushing and stockpiling area and the Duchesne County mining operation area is shown incorrectly. That border should be drawn at a slight angle to the northeast and be located more to the south than originally drawn. The border would begin on the #9 position on the western edge of the map and angle to the northeast from there. That border corresponds to the small bench of asphalt material in the photograph of this area.

We next proceeded north to the area labeled on the map as "Duchesne County Mining Operation 5.0 acres". At the time of this inspection, the County was operating a bulldozer and front-end loader for the full length of the pit. The County's crusher, screening and conveying systems are set up in the southern part of this area. The dashed line in the northwest corner of the map was intended to represent the current pit excavation. The pit excavation continues north into the next section of the map labelled "Under Robert Fausett (sic) Mining Operation 3.4 acres". A landmark for the dashed pit border on the western edge of map (point #13) would be the soil bank, shown jutting out along the access road in the photos. Plans are for the pit to continue in the same configuration as the present. The pit is expected to deepen by approximately 6 feet per year at the current mining rate.

We proceeded to the northern end of the property to view the reclamation area shown in the northeast corner of the map. This area is currently occupied by some old asphalt material, wood debris and other odds and ends. This material is on a bench below the east bench of the pit. Plans for this area would include salvaging the old asphalt materials and removing the wood and other debris. This area would not be regraded or reseeded since it may be needed for future use by this operation or by the possible USFS operations to the north. The title on the map is misleading since this area would only be cleaned up, not reclaimed.

From this location, the area shown on the map as under Robert Fausett is visible to the south. This area includes a portion of the pit excavation, the catch bench along the eastern edge of the pit, and the rock face at the north end of the pit. Photographs were taken of this area and the northeast reclamation area.

During this inspection we discussed the land ownership situation at this site. The mine claims are owned by several entities. The Fausett family owns a majority of the claims, with Whiting Oil Company owning a minor portion. Fausetts are required to pay Whiting Oil Company a royalty for the oil in the product removed by the Fausetts. In addition, after Duchesne County pays the Fausetts a sum of money (\$200,000?) the County will then own 25% of the Fausett's ownership in the claims. Under the business agreement currently in place between the County and the Fausett's, the County is allowed to remove 57,000 tons of product per year. Any product they crush beyond that amount, must be paid for. In general, the County has paid for this extra material by exchanging an amount of crushed asphalt product equal to the monetary amount. Esther Fausett, Robert's

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mother, is now the actual title owner of the percentage of the mining claims Fausett's have. Robert would have an agreement with her for his percentage.

At this time, Robert Fausett wishes to work on the reclamation area on the south end of the property and also work on the reject asphalt boulders which Duchesne County has not been able to use. The County's system will currently handle material up to 18" in diameter or less. Robert will be attempting to set up a system to crush these boulders and turn them into a useable product. If he is successful, it is likely that the County will purchase this asphalt material from him.

We discussed the issues regarding the permitting requirements for this site. The current disturbance exceeds five acres. Even if the southern reclamation area (approximately 6.3 acres) was reclaimed in the spring of 1995, the site disturbance would exceed five acres. Also, it is the Division's policy to require passage of three growing seasons before a reclaimed area is fully released. The Division will need to make a decision on how this site should be permitted, i.e. the latest proposal of two SMO's by Robert Fausett, or a Large Mining Operation Notice of Intention (LMO-NOI). A LMO-NOI would require submission of a LMO-NOI form and the posting of a bond. It is likely that additional information would be required by the Division after the initial review of the LMO-NOI. If Duchesne County were the designated operator of the large mine, it is likely that the Board of Oil, Gas and Mining would accept a reclamation surety in the form of a reclamation agreement or a self bond from the County.

Robert is concerned that he be allowed to mine material from the pit when the County is not actively mining. If this was permitted as a large mine operation, with the County as the operator, would he be able to do that? His concern is that as an independent contractor, he would not be able to remove material from the pit because he was not the designated operator; or that he would not be able to show clients he has a supply of product or access to the product as needed. The Division would be concerned with compliance with the mining and reclamation plan. The Division would want to be assured that whoever was operating the pit would be operating according to that plan. Whatever business agreement Robert Fausett and Duchesne County had would be between themselves and the Division would not be concerned with the details of that agreement, provided everyone complied with the Mining and Reclamation Plan.

In conclusion, I informed Leon and Robert that I would discuss this permitting situation with my supervisors at the Division. The Division will make a decision to determine how this site should be permitted. I informed them that it is likely a decision on this matter would not be made until the end of the coming week, (the first week in January). I also informed them that Monday January 2, was a holiday, which could set things further back. A letter will be sent to Robert and Leon informing them of the Division's decision and any permitting requirements. A meeting may be proposed if necessary.

jb
cc: Robert Fausett
Leon Fillingham, Duchesne County
S047028

U.S. Forest Service Property

Under Robert
Faucett
Mining Operation
3.4 Acres

Under Esther W. Fausett
DUCHESE COUNTY
MINING OPERATION

5.0 Acres
mining area

crushing area

stockpiling &
loading area

old crushing
& stockpiling area

Projected started
area to be reclaimed
by Spring 1995

area to
be reclaimed
started
Spring 1995
road continues

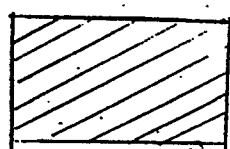
DOG M MEASURED

NORTH RECLAMATION	1.94
ROBERT FAUCETT	2.74
DUCHESE COUNTY	5.01
SOUTH RECLAMATION	6.28
<u>TOTAL RECLAMATION</u>	<u>15.97 ACRES</u>

TOTAL RECLAMATION 8.22 ACRES

PARCEL LAYOUT FOR
DUCHESE COUNTY NATIVE
ASPHALT PIT

12-29-94
INSPECTION
NOTES
5/04/028



Area to be reclaimed
Start date Spring 1995

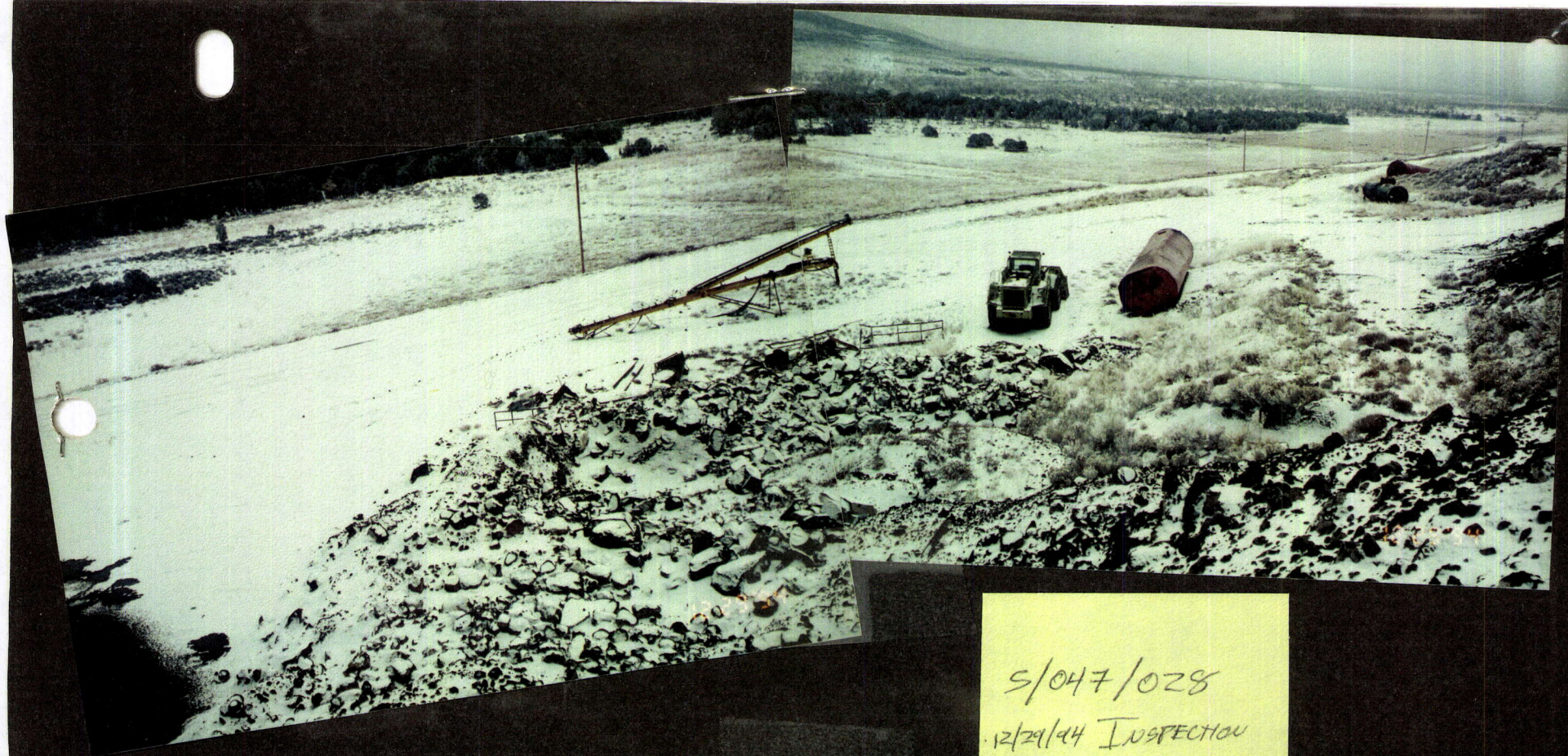


1"=200'



SCALE





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